No.10-868

IN THE SUPREME COURT OF THE UNITED STATES

MATTHEW CATE, SECRETARY,

Petitioner,

v.

ANTHONY SNEED,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

# APPENDIX TO RESPONDENT SNEED'S BRIEF IN OPPOSITION

ANTHONY SNEED
627 East 99th Avenue
Los Angeles, CA 90002

Respondent
*In Propria Persona*

## INDEX TO APPENDIX


Court and Agency Decisions — Page

Notice of Parole Release ..... 1

District Court Order Granting Habeas Peition
December 1, 2010 ..... 5

Transcript of Board of Parole Hearing
August 4, 2004 Hearing Granting Parole ..... 7

KAMALA D. HARRIS
Attorney General of California
ANYA M. BINSACCA
Supervising Deputy Attorney General
JESSICA N. BLONIEN
Supervising Deputy Attorney General
State Bar No. 189137
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 327-3893
Fax: (916) 322-8288
E-mail: Jessica.Blonien@doj.ca.gov
*Attorneys for Respondent*

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

| | |
|---|---|
| **ANTHONY SNEED,**<br><br>Petitioner,<br><br>v.<br><br>**A.P. KANE,**<br><br>Respondent. | C 05-4109 SI (PR)<br><br>**NOTICE OF PAROLE RELEASE** |

Pursuant to this Court's December 1, 2010 Order granting Sneed's habeas petition, the California Board of Parole Hearings determined that Sneed's release date calculated at his 2004

parole hearing was a past date. Accordingly, the Board verified his parole plans and processed him for release. On January 13, 2011, Sneed was released to parole[1]. (Ex. A, Status Form.)

Dated: January 20, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ANYA M. BINSACCA
Supervising Deputy Attorney General

*/s/ Jessica N. Blonien*

JESSICA N. BLONIEN
Supervising Deputy Attorney General
*Attorneys for Respondent*

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[1] Sneed has not yet updated his mailing address with the Court or Respondent, thus this Notice is served on Sneed at his address of record.

# *Exhibit A*

C43826 DATE OF INQUIRY: 01/20/2011

** CURRENT STATUS **

3826 SNEED,ANTHONY,CHARLES

***PAROLEE***

PRIMARY LOCATION----------> REG3 -HPRK5
DATE LAST RELEASED--------> 01/13/2011
PAROLED-------------------> 01/13/2011

TENTATIVE DISCHARGE DATE-> 01/13/2016
COUNTY OF RESIDENCE------> LA
WARRANTS REGISTER STATUS-> NO WANT

PC296 DNA STATUS ---------> COMPLETED

BIRTHDATE: 03/31/1961 SEX: MALE ETHNICITY: BLA CII: A05722512
HAIR: BLK EYES: BRO HEIGHT: 507 WEIGHT: 134 BIRTHPLACE: CA

LAST MOVE: PAR EFFECTIVE: 01/13/2011 REPORTED: 01/13/2011

ate: 1/20/2011 Time: 11:24:38 AM

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ANTHONY SNEED,

Petitioner,

v.

A. P. KANE, warden,

Respondent.

No. C 05-4109 SI (pr)

**ORDER GRANTING HABEAS PETITION**

In 2004, the Board of Prison Terms (now known at the Board of Parole Hearings ("BPH")) held a hearing and found Anthony Sneed suitable for parole. On December 30, 2004, Governor Arnold Schwarzenegger reversed the BPH's decision and found Sneed not suitable for parole. Sneed then filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging Governor Schwarzenegger's decision. This court denied the petition. The U.S. Court of Appeals for the Ninth Circuit "reverse[d] the district court and remand[ed] with instructions to grant the writ." Sneed v. Kane, 9th Cir. No. 07-15061, 8/2/10 unpublished mem. disp. at 2. A petition for panel rehearing and for rehearing en banc was denied by the Ninth Circuit in an order filed November 12, 2010. The Ninth Circuit issued the mandate on November 22, 2010. The clerk of this court sent a letter to spread the mandate on November 30, 2010.

Under the present circumstances – where the court rejects a Governor's reversal of the BPH's finding of suitability – the proper remedy appears to be a reinstatement of the BPH's decision. See Mosley v. Oroski, 9th Cir. No. 08-15327 11/24/10 unpublished mem. disp. at 4-5 (rejecting request to remand to the Governor; "we believe the appropriate relief in California is

to vacate the Governor's decision and reinstate the Board's decision"); id. at 5 n.4 (noting that BPH retained its power to rescind the parole determination that was being reinstated); In re Lawrence, 44 Cal.4th 1181, 1190-91 (Cal. 2008) (affirming state appellate court's judgment that vacated the Governor's reversal and reinstated the BPH's grant of a parole release); In re McDonald, 189 Cal. App. 4th 1008 (Cal. Ct. App. 2010) (reinstating BPH's parole release order upon concluding that remand to Governor was not the proper remedy). But cf. Haggard v. Curry, 623 F.3d 1035, 1041 (9th Cir. 2010) (considering BPH denial of parole and explaining that In re Prather, 50 Cal. 4th 238 (Cal. 2010), "determined that prisoners whose parole denials were not based on 'some evidence' of current dangerousness are entitled under state law only to a new parole-suitability decision by the state executive, and not to release from custody or a judicial parole determination.")

Accordingly, the court now orders:

1. The petition for writ of habeas corpus is GRANTED.

2. The Board of Parole Hearings' 2004 decision finding Sneed suitable for parole must be reinstated and implemented.

3. No later than **January 21, 2011**, respondent must inform this court whether a release date has been set for Sneed and, if so, what that date is.

IT IS SO ORDERED.

DATED: December 1, 2010

SUSAN ILLSTON
United States District Judge

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

| | |
|---|---|
| In the matter of the Life Term Parole Consideration Hearing of: ANTHONY SNEED | CDC Number C-43826 |

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

AUGUST 4, 2004

1:05 P.M.

PANEL PRESENT:

CAROL DALY, Presiding Commissioner
NOREEN BLONIEN, Deputy Commissioner

OTHERS PRESENT:

ANTHONY SNEED, Inmate
MARY ANN TARDIFF, Attorney for Inmate
STEVEN IPSON, Deputy District Attorney

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____ No — See Review of Hearing
_____ Yes — Transcript Memorandum

**April Allen** **Capitol Electronic Reporting**

INDEX


| | Page |
|---|---|
| Proceedings | 1 |
| Case Factors | 10 |
| Pre-Commitment Factors | 21 |
| Post-Commitment Factors | 32 |
| Parole Plans | 47 |
| Closing Statements | 52 |
| Recess | 57 |
| Decision | 58 |
| Adjournment | 69 |
| Transcriber Certification | 70 |


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PROCEEDINGS

**DEPUTY COMMISSIONER BLONIEN:** We are on record.

**PRESIDING COMMISSIONER DALY:** Okay. We are on record in the matter of Anthony Sneed, CDC number C-43826. Date of the hearing is Thursday, August -- Date of the hearing is Wednesday, August 4th, and it is 1305 hours. And we are located at the Correctional Training Facility at Soledad. Date received was 3/05 of '82. Life term starts 5/14 of '82 out of the county of Los Angeles. Offense is murder in the first degree while armed. Case number A526764, count number two, 187 and 12022(a) of the Penal Code, and the terms were 25 years to life plus one year consecutive. Minimum eligible parole date is 3/03 of '97. And additional offense, assault with a deadly weapon, 245(a) of the Penal Code out of the county of Los Angeles. This is the same Case number, count number four. Additional offense, discharging a firearm at an inhabited dwelling, Code Section 246 of the Penal Code out of the county of Los Angeles. This is the same Case number, count number five. Mr. Sneed, this hearing is going to be tape-recorded. And for the purposes of voice identification, we will go around the room to my left. Each person will state their name, spell their last name.

Then after you've spelled your last name, give your CDC number following. Okay.

**INMATE SNEED:** Okay. Yes, Ma'am.

**PRESIDING COMMISSIONER DALY:** Carol Daly, D-A-L-Y, Commissioner, Board of Prison Terms.

**DEPUTY COMMISSIONER BLONIEN:** Noreen Blonien, B-L-O-N-I-E-N. I'm a Deputy Commissioner.

**DEPUTY DISTRICT ATTORNEY IPSON:** Steven Ipson, Steven with a 'V', Ipson, I-P-S-O-N, Deputy District Attorney from the Los Angeles County District Attorney's office.

**ATTORNEY TARDIFF:** Mary Ann Tardiff, T-A-R-D-I double F, attorney for Mr. Sneed.

**INMATE SNEED:** Anthony Charles Sneed, C-43826.

**PRESIDING COMMISSIONER DALY:** Okay. Let the record reflect there are two correctional peace officers in the room for security purposes only. Mr. Sneed, in front of you taped to the table is an ADA statement. Would you read aloud the paragraph under that into the record, please.

**INMATE SNEED:**

"The Americans With Disabilities Act, ADA, is a law to help people with disabilities. Disabilities are problems that make it hard for some people to see, hear, breathe, talk, walk, learn, think, work, or take care of themselves than it is for others. Nobody can be kept out of public places or activities because of a disability. If you have a disability, you have the right to ask for help to get ready for your BPT hearing, to get to the hearing, talk, read forms or papers, and understand the hearing process. BPT will look at what you ask for to make sure that you have a disability that is covered by the ADA and that you have asked for the right kind of help. If you do not get help, or if you don't think you got the kind of help you need, ask for a BPT 1074 Grievance Form. You can also get help to fill it out."

PRESIDING COMMISSIONER DALY: Okay.

INMATE SNEED: I'm kind of nervous.

PRESIDING COMMISSIONER DALY: That's all right. Do you understand what the Americans With Disabilities Act is all about?

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: Okay. And on February 27th of this year you signed Board of Prison Term Form 1073, and that was a form asking you if you had a disability as defined under the Americans With Disabilities Act. And you indicated you did not have. Is that a true statement?

INMATE SNEED: Yes, Ma'am.

PRESIDING COMMISSIONER DALY: And so from February 27th of '04 to the current date of August 4th of '04 has there been any change in your medical status?

INMATE SNEED: No.

PRESIDING COMMISSIONER DALY: All right. I just have a few questions that I'm going to ask you. Do you have any problem walking up and down stairs or for distances of more than 100 yards?

INMATE SNEED: No.

PRESIDING COMMISSIONER DALY: So you didn't have any difficulty getting to the hearing room today.

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: And I see that you are wearing glasses. Were your glasses available to you when you were preparing for this hearing? Were you wearing your glasses --

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: -- when you were reading material and preparing for the hearing?

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: And did you have to have anybody read to you or did you need a magnifying device or anything?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: Okay. And do you have any hearing impairment?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: Okay. And have you ever been included in a CCCMS or an EOP program while you were in prison?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: And you know what those programs are?

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: Okay. I think you've got a giggle button today. Okay. Have you ever taken any psychotropic medication since you've been in prison?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: Did you take it while on the streets?

INMATE SNEED: No.

PRESIDING COMMISSIONER DALY: Okay. And how far did you get in school before coming to prison?

INMATE SNEED: The tenth.

PRESIDING COMMISSIONER DALY: Okay. And so when you were going through school, did you have to participate in any special education programs?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: All right. And so do you suffer from any disability that would prevent you from going forward with this hearing today?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: Okay. This hearing is being conducted pursuant to Penal Code Section 3041, 3042, and the rules and regulations of the Board of Prison Terms governing parole consideration hearings for life inmates. Now the purpose of today's hearing is to once

again consider your suitability for parole. In doing so we will consider the number and the nature of the crimes that you were committed for, your prior criminal and social h ry, and your behavior and programming since your commitment. Now we have had an opportunity to review your file, your Central File. Your prior transcripts are available. And you will have an opportunity to correct or clarify the record if need be. We will consider your progress since your last hearing, any new psychiatric reports, and any other information that might have a bearing on your suitability for parole. Any change in parole plans needs to be brought to our attention. Now we will reach a decision today and inform you whether we find you suitable for parole or not and the reasons for our decision. If you are found suitable for parole, the length of your confinement will be explained to you. Now before we recess for deliberations today, the District Attorney, your attorney, and you will be given an opportunity to make a statement regarding your parole suitability. Your statement needs to be limited to why you feel you are suitable for parole at this time. We will then recess. We're going to clear the room and deliberate. And then once we have completed our

deliberation, we will resume the hearing and announce our decision. Now the California Code of Regulations state that regardless of time served, a life inmate shall be found unsuitable for and denied parole if in the judgment of the Panel the inmate would pose an unreasonable risk of danger to society if released from prison. Now you have certain rights, and those rights include the right to a timely notice of this hearing, the right to review your Central File, and the right to present relevant documents. Do you feel -- Counsel, have your client's rights been met thus far?

**ATTORNEY TARDIFF:** Yes, they have.

**PRESIDING COMMISSIONER DALY:** Okay. And you have an additional right, and that is a right to be heard by an impartial Panel. Looking at the Panel seated before you today, do you have any objection to either member of this Panel?

**INMATE SNEED:** No, Ma'am.

**PRESIDING COMMISSIONER DALY:** Okay. Counsel, do you have any objections?

**ATTORNEY TARDIFF:** No. I'll just mention that I did discuss with Mr. Sneed the fact that you were one of the Commissioners who signed off on the, I guess, denial

of appeal on his '02 hearing. I discussed it with him, and he has no objection to you sitting on his Panel.

**PRESIDING COMMISSIONER DALY:** Thank you very much, Counsel. Now you will receive a copy of our written tentative decision today. And the decision becomes effective within 120 days. During that time, you will receive another copy of the decision, along with a transcript of the hearing of the tape of the hearing. And now as of May 1st, 2004, there are major changes that limit your right to appeal former -- your right to appeal Board decisions or actions directly to the Board of Prison Terms. Now the old Board regulations have been appealed, and the current policy is entitled Administrative Appeals, Correspondence, and Grievances Concerning Board of Prison Term Decisions. And it is available in the prison law library. Now you are not required to admit to your offense, nor are you required to discuss your offense here today. However, this Panel does accept as true the findings of the court. Do you understand what that means?

**INMATE SNEED:** Yes.

**PRESIDING COMMISSIONER DALY:** Okay. And do we have any confidential material to be used today?

**DEPUTY COMMISSIONER BLONIEN:** We have none.

**PRESIDING COMMISSIONER DALY:** Okay. I passed -- I have not done that yet. I passed the hearing checklist. Counsel, if you will look to make sure we're working off the same set of documents.

**ATTORNEY TARDIFF:** I have these. Thank you.

**PRESIDING COMMISSIONER DALY:** Okay. And District Attorney, if you will look.

**DEPUTY DISTRICT ATTORNEY IPSON:** Yes.

**PRESIDING COMMISSIONER DALY:** Okay. And Counsel, do you have any other documents to be submitted?

**ATTORNEY TARDIFF:** No.

**PRESIDING COMMISSIONER DALY:** And do you have any preliminary objections?

**ATTORNEY TARDIFF:** No, I don't.

**PRESIDING COMMISSIONER DALY:** And is Mr. Sneed going to be talking with us?

**ATTORNEY TARDIFF:** Yes, he is.

**PRESIDING COMMISSIONER DALY:** Raise your right hand so I can swear you in. Do you solemnly swear or affirm the testimony you give at the hearing today will be the truth, the whole truth, and nothing but the truth?

**INMATE SNEED:** Yes.

PRESIDING COMMISSIONER DALY: Okay. Counsel, if you have no objection, I'm going to take the Statement of Facts as they're spelled out in the current Board Report on page one.

ATTORNEY TARDIFF: No objection.

PRESIDING COMMISSIONER DALY: Okay. And this was during the late evening hours of 1/17 of '81, a house party was held in Pomona, California, and in attendance were members of both the Blood and the Cuzz, C-U-Z-Z, gang.

"During the course of the party a handgun was discharged, but no one was injured. It appeared the gunshot was the aftermath of arguments between rival gang members. Some partygoers stated they had seen a pistol in the hand of 16-year-old Anthony Burton and he hurriedly left in the company of Derrick and Ronald Washington. All three juveniles were seen entering a vehicle driven by Sneed, which departed the area. Various partygoers had attempted to stop the three teenagers from leaving, but they were unsuccessful

because of the assistance given them by Sneed. A short time later near the intersection of Larchmont and Ashville in Pomona 17-year-old Fred Wright was shot to death. Officers that responded to the crime scene were advised by witnesses that they had seen Anthony Burton, Derrick Washington, Ronald Washington, and a person that wore clothing similar to Sneed running from where Fred Wright had fallen. The three juveniles were arrested at their home. Sneed turned himself in to the Pomona Police Station and was booked for suspicion of homicide. The juveniles were charged with homicide, attempted homicide, assault, and burglary. Sixteen-year-old Anthony Burton was determined by the District Attorney to be the actual shooter and was charged with killing Fred Wright, as well as discharging a party [sic] earlier at the party."

Mr. Sneed, in going through the various reports, I see that you did give a statement of fact in May of 2002. So

I guess what I want to just ask you, do you have a response to the Statement of Facts as they're spelled out in the current Board Report?

INMATE SNEED: No.

PRESIDING COMMISSIONER DALY: And so is that an accurate reflection of what happened?

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: Were you, in fact, involved with the other three individuals at the time that Fred Wright was killed?

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: And were you the shooter?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: And were you on the street with the other three when he was killed?

INMATE SNEED: Yes, Ma'am.

PRESIDING COMMISSIONER DALY: And so do you want to kind of explain why you were there and what happened.

INMATE SNEED: Well, once I took the Washington brothers to their home, I think their -- Anthony Burton, which I didn't know him, I think he saw some people walking down the street. And when he saw these people walking down the street, he just broke and started running

towards the alley where he seen the guy -- the people go. And Ronald and Derrick ran behind him, ran down the alley. And a few minutes later there was some shots fired.

**PRESIDING COMMISSIONER DALY:** Okay. And where were you at the time the shots were fired?

**INMATE SNEED:** At the top of the alley by my car.

**PRESIDING COMMISSIONER DALY:** At the top of the alley. And how far was that from where the victim was shot?

**INMATE SNEED:** Probably a couple of hundred feet. It's not a long alley.

**PRESIDING COMMISSIONER DALY:** Okay. Were you armed with a weapon that night?

**INMATE SNEED:** No, Ma'am.

**PRESIDING COMMISSIONER DALY:** And so what was the reason that you picked these kids up in the vehicle anyway and took them out of there?

**INMATE SNEED:** I had did a favor, because I was taking my cousin and a friend back to Los Angeles. The Washingtons had -- Their cousin Anthony Burton was visiting them. I think he just got out. And he was taking his mother's car back to LA. And they asked me if I would bring them back from LA once he dropped his

mother's car off. I said, no problem. I would do that. Well, I brought them back to Pomona. They was talking about a party that was going on over on Marywood, and they asked me if I would take them over to this party. I had no problem doing that, because I had to go talk to a girlfriend of mine at the time. So I talked to her and told her I'd be back later on, and I went to my mother's house. And my mother asked me what was I doing riding with this many people in the car. I said I was going to drop them off at this party (indiscernible) go to Dee Dee's house. When we get to the party, it wasn't really going -- started at the time. So we sat around for a little while and then went to the store. So when we come back, there was more people at the party. So when they get out of the car to go to the party, I stopped to talk to another guy in front named Danny Deavers. So once the Washington brothers and their cousin get to the middle of the grass, a crowd started to develop. So once the crowd developed I asked Danny what was going on over at the grass, and he said he didn't know. So I get out of the car to go see what was going on. Once I get up to the grass, they were arguing about who are you, what are you doing over here in this part of town or whatever. So

Derrick and Ronald was trying to explain to them that was their cousin from out of IA. But the guy, Duane Franklin wanted to fight Anthony Burton. So Anthony gets scared and asked their little cousin Ronald for a gun, which I didn't now Ronald had a gun. So when he asked for the gun, Ronald pulled a gun out from his waistline and handed it to Anthony. Then Anthony fired a couple of shots. So I ran to my car. So when I ran to my car, they went to my car. So everybody started to jump in my car. So I started the car and pulled out and started to pull away. When I'm pulling away, I hear some more shots being fired. So I just punched it and drove away from the area.

**PRESIDING COMMISSIONER DALY**: Did you have a gun that time?

**INMATE SNEED**: No, Ma'am. Never.

**PRESIDING COMMISSIONER DALY**: Okay. So you tell your mom you're going over to drop kids off at a party, and you decide to stay instead of just dropping them off.

**INMATE SNEED**: Instead of just dropping them off, yes.

**PRESIDING COMMISSIONER DALY**: Okay. And so -- All right. Then you've left the party. You got everybody in the car.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: And you head over --

INMATE SNEED: To the Washington's residence on Ashbury, which is around the corner from Ashville. So when I go to their house and I'm asking them what was going on over there, and Derrick was trying to explain to me about Duane was trying to cause a problem with their cousin. So as we're sitting there talking, this is when some people walked down the street. And Anthony Burton seen these people walking down the street, he just started running towards the alley where they was going on the other side of the alley. When he turned up the alley, Derrick and Ronald ran behind him.

PRESIDING COMMISSIONER DALY: Okay. Did you know that any of those three were armed when you had them in the car? Didn't you know they had guns on them?

INMATE SNEED: After they fired the shot at the party, yeah, I knew Ronald had a gun then, or he gave the gun to Anthony then.

PRESIDING COMMISSIONER DALY: Okay. And when you took them over there, did you realize anybody had any guns?

INMATE SNEED: At the party?

PRESIDING COMMISSIONER DALY: Uh-hmm.

INMATE SNEED: Not at the party, no.

PRESIDING COMMISSIONER DALY: In your car? Did you know anybody had a gun in your car?

INMATE SNEED: Not until after the shot was fired at the party. After that, then I realized they had a gun.

PRESIDING COMMISSIONER DALY: All right. So what was your intent of waiting at the alley for them? I meant when they went running for them, what did you think was going to happen?

INMATE SNEED: I don't know. I didn't know what was on Anthony Burton's mind. I didn't even know the guy.

PRESIDING COMMISSIONER DALY: Okay. So what happened then after the shooting?

INMATE SNEED: They ran back up the alley, and I asked them what was going on. And Ronald said that Anthony had fired some shots. So I got in my car and left. So when I left, I went to 7-Eleven, bought me a soda and stuff like that and some chips or something. I came back to see what was going on. When I came back -- I wasn't going to take my car home, because I lived around the corner from there and everybody knows me. So my mother doesn't have a garage to put my car inside of. So I came back around to their house to

see what was going on, and he told me that nothing had happened and stuff. So I put my car in their garage for that night, and I left that next morning.

PRESIDING COMMISSIONER DALY: Okay. And when did you find out that Mr. Wright had been killed?

INMATE SNEED: At church the next morning. I went to church.

PRESIDING COMMISSIONER DALY: Okay. So when you went back to the scene --

INMATE SNEED: (Inaudible).

PRESIDING COMMISSIONER DALY: -- nobody was there.

INMATE SNEED: Nothing.

PRESIDING COMMISSIONER DALY: Okay. So how did the body get discovered?

INMATE SNEED: Leon Moore and some other friends had seen him on the streets. And they picked him up and put him in back of a little -- some little car with -- like a truck bed and drove him to the hospital, Pomona Valley.

PRESIDING COMMISSIONER DALY: Okay. So you had no idea that he had been shot and killed, --

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: -- or if he had -- whether or not he was dead there?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: Okay. Is there anything else about the commitment offense that you have not been asked about or had an opportunity to put on the record that you think is important to say? You've been before the Board a number of times.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: Is there anything at all --

INMATE SNEED: About my involvement with the Washington brothers, people keep thinking that they were my friends. The Washington brother's wasn't my friend. Their older brother, I had got him a job. I worked at a place called (inaudible) Irwindale. And I was getting guys jobs in the area. So I had got Joe a job. And so I had become familiar with him and a friend of his named Walter. This is how I came by knowing the two brothers. But as far as being associates with the Washington brothers, I was not associates with him. I wasn't a gang member. I was working. Just came out of the Job Corps.

PRESIDING COMMISSIONER DALY: Have you ever been a gang member?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: Did you know when you went to the party that night that there were rival gang members there at the party?

INMATE SNEED: No. The only thing I knew was this was a -- the area it was in was a Blood neighborhood. But everybody knew that about that neighborhood, (indiscernible) Burton. I didn't know Burton. And I didn't know if these guys over here knew Burton.

PRESIDING COMMISSIONER DALY: Okay. Anything else?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: You weren't the direct shooter. You were there. How do you feel about the fact that that night Fred Wright lost his life?

INMATE SNEED: I feel real bad, because I knew Fred Wright. He lived right down the street from me.

PRESIDING COMMISSIONER DALY: Did you know his family?

INMATE SNEED: I knew his family. I knew his sister Roberta and them.

PRESIDING COMMISSIONER DALY: Do you know what kind of trauma the family suffered as a result of this?

INMATE SNEED: Yes. I talked to his sister Roberta right -- After I got out of the jail, I went down the street and talked to Roberta about that, told her I had nothing to do with the murder of her brother and stuff.

PRESIDING COMMISSIONER DALY: Okay. Looking at your criminal history, as a juvenile in February of '75 you were arrested for a petty theft and you got probation. What did you steal?

INMATE SNEED: Seventy-five.

PRESIDING COMMISSIONER DALY: I know, a long time to remember.

INMATE SNEED: I think it was a tape-recorder.

PRESIDING COMMISSIONER DALY: Okay. And you received probation. Then in February of '76, just a year later, you were arrested for a burglary. And the court continued you on probation.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: What did you burglarize?

INMATE SNEED: We didn't get into it, but we was jimmying a door at (inaudible) drive through where you buy ice cream, beer, and stuff, coke. It's been so long.

DEPUTY COMMISSIONER BLONIEN: That actually was in 1975. The tape-recorder was '76.

PRESIDING COMMISSIONER DALY: Oh, was it?

DEPUTY COMMISSIONER BLONIEN: Uh-hmm.

PRESIDING COMMISSIONER DALY: Reversed. Okay.

INMATE SNEED: We jimmying this door and it set the alarm off, and we went to jail.

PRESIDING COMMISSIONER DALY: Okay. So you had the burglary in '75, and you were put on probation. And then in '76 you had the petty theft, and you were continued on probation.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: Okay. And then probation was terminated on April 26th of 1977. Then as an adult, you were arrested for a grand theft auto and receiving stolen property on September of 1980.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: And you had 24 months probation and 75 days of county jail.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: And did you actually do the jail time?

INMATE SNEED: Yes, in (indiscernible).

PRESIDING COMMISSIONER DALY: Okay. And what did you steal? I mean you had the grand theft auto. So tell me about that one.

INMATE SNEED: It was a car. It wasn't really stealing it, but it was (indiscernible) stolen. But it was a car I was driving and stuff. And I let my cousin use the car, and he got stopped and pointed the police back to where I was at. I told them he had nothing to do with it. I had the car.

PRESIDING COMMISSIONER DALY: Was your car -- Was this car stolen?

INMATE SNEED: They say it was stolen, but I didn't know it was stolen.

PRESIDING COMMISSIONER DALY: Where'd you get the car from?

INMATE SNEED: From a Mexican guy up in the south side of Pomona in gambling. There was some gambling and --

PRESIDING COMMISSIONER DALY: And you won the car?

INMATE SNEED: I got the car and drove to Los Angeles.

PRESIDING COMMISSIONER DALY: And it was stolen.

INMATE SNEED: Yes.

25

PRESIDING COMMISSIONER DALY: How do you think he got it?

INMATE SNEED: I didn't even know the Mexican. I was --

PRESIDING COMMISSIONER DALY: Okay. So your criminal history is minimum. Had you had other encounters with law enforcement where you were questioned or --

INMATE SNEED: They took me home a lot.

PRESIDING COMMISSIONER DALY: For what?

INMATE SNEED: Didn't want to see me on the street hanging out or whatever. So Officer Hernandez or whatever would see me on the streets and --

PRESIDING COMMISSIONER DALY: Okay. And you knew the officer from the neighborhood.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: Okay. Did that keep you from being in any more serious trouble?

INMATE SNEED: That helped me make my mind up to go to the Job Corps.

PRESIDING COMMISSIONER DALY: Okay. All right. Anything else that you want to say about your criminal --

INMATE SNEED: No.

PRESIDING COMMISSIONER DALY: All right. Now your social factors, your personal background, tell me about your family relationships right now. What's going on?

INMATE SNEED: Right now my mother is in a senior citizen community.

PRESIDING COMMISSIONER DALY: And that's Citizens Community Hospital?

INMATE SNEED: It's not a hospital.

PRESIDING COMMISSIONER DALY: A citizen's community. Okay. A senior --

INMATE SNEED: She lives there. She resides there.

PRESIDING COMMISSIONER DALY: All right.

INMATE SNEED: My sister is going to go through there to check on her to make sure she's all right. My son is working.

PRESIDING COMMISSIONER DALY: How old is he?

INMATE SNEED: He's 24 now.

PRESIDING COMMISSIONER DALY: And where is he working?

INMATE SNEED: At a warehouse in Palmdale.

PRESIDING COMMISSIONER DALY: And how is he doing?

INMATE SNEED: He's doing okay from what my mother tells me. He's doing okay. We don't talk as much as we

should. But he calls my mother, and she tells me how he's doing over there. She says he's doing okay.

**PRESIDING COMMISSIONER DALY:** Okay. Drugs, alcohol?

**INMATE SNEED:** No.

**PRESIDING COMMISSIONER DALY:** Has he been arrested?

**INMATE SNEED:** No, he's never been arrested that I know of.

**PRESIDING COMMISSIONER DALY:** Okay. And this was a result of that first relationship that you had with Sanova?

**INMATE SNEED:** Sanova is my mother.

**PRESIDING COMMISSIONER DALY:** Sanova. Okay. That's right.

**INMATE SNEED:** Lila Scott.

**PRESIDING COMMISSIONER DALY:** So when were you married?

**INMATE SNEED:** I was married in prison, not on the streets.

**PRESIDING COMMISSIONER DALY:** Okay. So then what else is going on? What kind of support do you have from your family?

**INMATE SNEED:** My oldest brother said I could live with him. He's Reverend Myers. He wants me to come live with him and his wife and his kids.

PRESIDING COMMISSIONER DALY: And where does he live?

INMATE SNEED: He just moved to Palmdale. He moved from out of Los Angeles. He say he want to get a bigger home. So if I was going to come home to him it would be bigger home.

PRESIDING COMMISSIONER DALY: Cheaper to live in Palmdale --

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: -- than Los Angeles. Okay. What else is going on?

INMATE SNEED: And the rest of my family, my other little brother who's a minister, Reverend Virgil Huntley, is in support of me paroling with my oldest brother. He'll help out in whatever way he can. And my sister Regina, she's willing to help out in any way she can by me going to my oldest brother.

PRESIDING COMMISSIONER DALY: Okay. Tell me about your drug history. When did it start?

INMATE SNEED: Drug history.

PRESIDING COMMISSIONER DALY: Do you have any drug history?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: How about alcchol?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: I have on here that alcohol was a part of your history. I read it in the report last night. At some point did alcohol come up?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: Okay. And I'll see where -- As we go along, I'll see where I picked that up. I don't know if it was in the Probation Officer's Report.

INMATE SNEED: The alcohol was something I experimented with when I was 15. I tried some beer. It was a weekend party, swim party, and I drunk some beer when I was 15.

PRESIDING COMMISSIONER DALY: And that was it?

INMATE SNEED: And I come to find out alcohol didn't agree with me. So I didn't mess around.

PRESIDING COMMISSIONER DALY: Okay. How does it happen that you live in that area where the Bloods and all the different gang members are and that you had never gotten involved with drugs?

INMATE SNEED: A lot of guys didn't mess with drugs over where I lived at. I don't think drugs was a big thing when I got locked up.

PRESIDING COMMISSIONER DALY: Okay.

INMATE SNEED: Like it is today. I don't think it was.

PRESIDING COMMISSIONER DALY: Okay. And so you tried alcohol and that was it. So I think that's probably what I had read then. Because I did not have anything else other than the alcohol. And you dropped out of school in the 10th grade. Why'd you drop out?

INMATE SNEED: For the Job Corps.

PRESIDING COMMISSIONER DALY: It says right here in your Board Report you admit to drinking alcoholic beverages.

INMATE SNEED: Yes, at 15.

PRESIDING COMMISSIONER DALY: At 15.

INMATE SNEED: At the house party -- At the swimming party.

PRESIDING COMMISSIONER DALY: Okay. Because that makes it sound like you were a drinker.

INMATE SNEED: Yeah, I know.

PRESIDING COMMISSIONER DALY: Okay.

DEPUTY COMMISSIONER BLONIEN: Can I quote from the Probation Officer's Report on that?

PRESIDING COMMISSIONER DALY: Yeah.

DEPUTY COMMISSIONER BLONIEN: It states that, "The defendant denies injecting or ingesting any type of illegal controlled substance, and this would include marijuana. He admits to formerly drinking an Old English brand beer on a daily basis. But when he started attending the first Missionary Baptist Church in Pomona during 1980 he ceased drinking alcoholic beverages."

INMATE SNEED: That's the party in Pomona. I mean the party, the swim party in Pomona. That's the only time I ever drank any beer. It was a summer party. Every day we'd go to his house and swim at the party, and we was drinking beer there every day for that summer. But I didn't like beer.

PRESIDING COMMISSIONER DALY: Okay. So it was more than just once?

INMATE SNEED: That's what I'm saying. It was a summer party.

PRESIDING COMMISSIONER DALY: Okay. All right. A Summer party. I guess I haven't heard the term a summer party when you have a party every day.

INMATE SNEED: Every day we'd go over there to the swimming party for everyday swimming.

PRESIDING COMMISSIONER DALY: Yes. So did you get drunk?

INMATE SNEED: Yeah, I got drunk.

PRESIDING COMMISSIONER DALY: Okay.

INMATE SNEED: (Indiscernible) didn't agree with me.

PRESIDING COMMISSIONER DALY: Okay. So alcohol was a part of your background. Now on the night of the offense were you -- had you been drinking or using drugs at all?

INMATE SNEED: No, Ma'am.

PRESIDING COMMISSIONER DALY: All right. So you were sober and you knew what was happening.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: And you were never a part of a formal gang?

INMATE SNEED: No, never.

PRESIDING COMMISSIONER DALY: And we were talking about you dropped out of high school, why did you drop out of high school?

INMATE SNEED: To go to the Job Corps.

PRESIDING COMMISSIONER DALY: To go to the Job Corps.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: And what were you doing in the Job Corps?

INMATE SNEED: Mechanic.

PRESIDING COMMISSIONER DALY: Okay. And what did you hope to gain from that?

INMATE SNEED: I was hoping to get a trade of some type. My main thing was to get away from the community. That was the main thing. That's what I explained to my mother. Because a lot of things was starting to happen around there and brothers was getting locked up, and I didn't want to be a part of that. So I just asked my mother would it be okay for me to go to the Job Corps to get a trade to get away from the area.

PRESIDING COMMISSIONER DALY: So when you say your brothers were getting locked up, do you mean your fellow black friends in the community, or your actual brothers?

INMATE SNEED: My actual brothers.

PRESIDING COMMISSIONER DALY: Okay. I know, because these terms are interchangeable. And I want to

make sure that I understand what it is that you're saying. Okay.

**INMATE SNEED:** Okay.

**PRESIDING COMMISSIONER DALY:** Anything else about your criminal history? How do you think you were treated at home when you were growing up?

**INMATE SNEED:** I think I was treated okay.

**PRESIDING COMMISSIONER DALY:** So you had a good home life?

**INMATE SNEED:** Yes, my mother and my stepfather, yes, I think I had.

**PRESIDING COMMISSIONER DALY:** And your father, I know you didn't have a close relationship. You didn't even know him.

**INMATE SNEED:** I never knew my father.

**PRESIDING COMMISSIONER DALY:** You didn't even know who he was. Okay. Let's go to post-conviction factors.

**DEPUTY COMMISSIONER BLONIEN:** Mr. Sneed, this is your sixth hearing. And your last appearance before the Board was May 28th, 2003, and the decision was for a one-year denial. And the Panel recommended that you remain disciplinary-free, which you have. And then Deputy Commissioner Harmon had a talk with you about -- and I'll

quote what he told you, that he has done your -- several times and he felt he (indiscernible) to know you. And that, "I think you need to go the library. I think you need to start addressing some --" And then there's a -- I think issues.

**INMATE SNEED:** Yes.

**DEPUTY COMMISSIONER BLONIEN:** "And make some positive changes in that area, because there's not a lot available. And he wanted you to go read a book, and you've done that.

**INMATE SNEED:** Yes.

**DEPUTY COMMISSIONER BLONIEN:** And we'll talk about that. But that was a very specific recommendation that he made to you. The current classification score is 19, which is the lowest that's available for a lifer inmate. And your current custody level is Medium A. So in order to do this report, I read your counselor's report by Counselor J. Palmer, P-A-L-M-E-R, dated 5/17/04. I reviewed the psych report dated 4/17/03 by Michael Cohen, C-O-H-E-N, who's a psychologist here. And I've reviewed your C-File. It's my job to say what you've been doing since your last hearing. And I'll go back a little bit. And we start with you have three 115s, all three are

Division 'F'. And I read all three of them. And it was just junk talk on your part for the most part.

INMATE SNEED: Yeah.

DEPUTY COMMISSIONER BLONIEN: You were just being really --

INMATE SNEED: Smart mouth.

DEPUTY COMMISSIONER BLONIEN: -- smart. And the last one was in 1996.

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: You've had four 128s, and the last one -- Was it 1994, '98. I didn't write it down. Here it is. Ninety-six also. And those are minor. You got your GED May 15th, 2002, and although you're to be commended for that, I wonder why did it take you so long? I look back in your TABE scores, you're 12.9, 12.9, 12.9.

INMATE SNEED: Textiles.

DEPUTY COMMISSIONER BLONIEN: Yeah, you were working?

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: A lot of people who work go to school.

INMATE SNEED: I became a double A. the head lead man. And I got caught up in textiles and training guys

how to work and, you know, help supervising. And I got caught up in that, and didn't get back to the education.

**DEPUTY COMMISSIONER BLONIEN:** And did the textiles here shut down, or are they still operating?

**INMATE SNEED:** Not that I know of.

**DEPUTY COMMISSIONER BLONIEN:** Okay. You're not working there anymore though.

**INMATE SNEED:** No, Ma'am.

**DEPUTY COMMISSIONER BLONIEN:** You were a machine operator there.

**INMATE SNEED:** I was a machine operator and a supervisor's help.

**DEPUTY COMMISSIONER BLONIEN:** You were a lead person.

**INMATE SNEED:** Yes.

**DEPUTY COMMISSIONER BLONIEN:** And what was your pay number?

**INMATE SNEED:** Ninety-five cents.

**DEPUTY COMMISSIONER BLONIEN:** Top of the line.

**INMATE SNEED:** Yes.

**DEPUTY COMMISSIONER BLONIEN:** You also have a vocational certificate in painting and decorating.

**INMATE SNEED:** Yes.

DEPUTY COMMISSIONER BLONIEN: And you also have -- You have a certificate in dry cleaning?

INMATE SNEED: Dry cleaning.

DEPUTY COMMISSIONER BLONIEN: And you've participated in Breaking Barriers. And what book did you read? You got Dr. Gleason to write you a chrono saying that you read this book and did a report, but he didn't tell me what book.

INMATE SNEED: Instead of reading one, I read several. Instead of reading one. But the main was --

DEPUTY COMMISSIONER BLONIEN: Well, give me a couple.

INMATE SNEED: The main one I had to read was Gary Zoocoff, See to the Soul.

DEPUTY COMMISSIONER BLONIEN: And what did you think of it?

INMATE SNEED: I liked it because it helped me understand more of what Mr. Harmon was talking about. Because I didn't understand what he was saying about my participation in the actual crime until I got to understand that by me helping these guys escape from the first incident, it actually gave these guys the opportunity to commit the murder. If I would have just

left the guys at the party and gave law enforcement time to get there to arrest them for firing it at the party, the murder would never have occurred. And I was battling with that for a long time. I kept telling myself I didn't kill anybody. Why am I going through all this. But I wasn't really looking at the entire picture about the role that I played by helping the guys leave the area.

**DEPUTY COMMISSIONER BLONIEN**: That's good insight. But what other books did you read?

**INMATE SNEED**: I read some other -- Iola Vansant, which basically deals with the same thing basically, understanding who you are, understanding the type of energy that you put into, you know, stuff like that.

**DEPUTY COMMISSIONER BLONIEN**: You've got a lot of energy.

**INMATE SNEED**: Yes.

**DEPUTY COMMISSIONER BLONIEN**: You're working as a C-wing porter right now.

**INMATE SNEED**: Yes.

**DEPUTY COMMISSIONER BLONIEN**: And I understand that's a pretty difficult place to work.

INMATE SNEED: Really?

DEPUTY COMMISSIONER BLONIEN: Well, isn't that an Ad Seg unit?

INMATE SNEED: No.

DEPUTY COMMISSIONER BLONIEN: No?

INMATE SNEED: It's a regular unit.

DEPUTY COMMISSIONER BLONIEN: Regular unit?

INMATE SNEED: Yeah. It used to be a PC back in the days when it was A-wing. It's a regular unit now.

DEPUTY COMMISSIONER BLONIEN: So are you on any waiting lists now?

INMATE SNEED: I'm on a waiting list for -- What was that. It was a (inaudible) program that they had here. That's a long waiting list.

ATTORNEY TARDIFF: Impact.

DEPUTY COMMISSIONER BLONIEN: Impact.

INMATE SNEED: Impact. I've been on that for a couple of years, waiting on that one for a couple of years now.

DEPUTY COMMISSIONER BLONIEN: What else did you (indiscernible).

INMATE SNEED: And I draw.

DEPUTY COMMISSIONER BLONIEN: Okay. I have a note. You won a prize a long time ago.

INMATE SNEED: Yeah.

DEPUTY COMMISSIONER BLONIEN: You did pen and ink drawing.

INMATE SNEED: Pen, ink, oil painting now, acrylic painting now, pastel work.

DEPUTY COMMISSIONER BLONIEN: Do you have any pictures?

INMATE SNEED: Nothing on me now.

DEPUTY COMMISSIONER BLONIEN: And what do you do? What kind of art? When you won the prize, I think you did --

INMATE SNEED: A queen.

DEPUTY COMMISSIONER BLONIEN: -- an African queen and a little kid in prison. But that was ink drawing. But I do a little bit of everything now. I do Native American art now, portraits, anything anybody requests I do. They ask me to rearrange certain things, and I'll rearrange things for them.

DEPUTY COMMISSIONER BLONIEN: And like who?

INMATE SNEED: Like if somebody wants a portrait of themselves, they want to be dressed in a certain garment, I'll make the changes they ask for.

DEPUTY COMMISSIONER BLONIEN: So who hires you to do this?

INMATE SNEED: I've done inmates. I've done staff. Right now since the hobby shop is closed, I'm waiting on another hobby course because a couple of staff want me to do some other drawings for them. I'm just waiting now.

DEPUTY COMMISSIONER BLONIEN: And how do you get the money for your oils and acrylics and --

INMATE SNEED: From my (indiscernible) pay number.

DEPUTY COMMISSIONER BLONIEN: Your pay number?

INMATE SNEED: Yes, it comes out of the pay number.

DEPUTY COMMISSIONER BLONIEN: And when you were working at PIA were you able to save any of that money, or --

INMATE SNEED: No, because I have a son.

DEPUTY COMMISSIONER BLONIEN: You sent money to your son?

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: So you do a lot of artwork. You have a job. You read to upgrade your self

help. You completed Breaking Barriers. What am I missing?

INMATE SNEED: I guess the advanced course.

DEPUTY COMMISSIONER BLONIEN: The advanced course?

INMATE SNEED: Of Breaking Barriers. Breaking Barriers I and II.

DEPUTY COMMISSIONER BLONIEN: So let's talk about this chrono. You did an Olson Review, right?

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: That Mr. Peabody wrote.

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: And in essence there was an incident, and he called you into the office, and he wrote down that you said, just write my name down. Don't give me any direct orders. I don't do direct orders. And then you refused to be interviewed. And upon termination of the interview, you said, don't ever give me a direct order again. So it wasn't enough for him to write you a 128. You didn't get a 128. And it wasn't enough for him to write you a 115. But obviously it was enough for him to think that you were too heavily entrenched in the convict code of silence

--

INMATE SNEED: Yes, Ma'am.

DEPUTY COMMISSIONER BLONIEN: -- is what he wrote down.

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: So what do you have to say about all this? Who were you that day?

INMATE SNEED: I just came from the Board basically. And I guess I was still kind of upset about being denied and -- It was hurting to hear a Commissioner say that, you know, you wasn't the shooter, you probably hadn't actively participated in the actual crime, but because of the heinousness of the crime -- That kind of got to me. And so a couple of staff had talked to me about just let it go, just do what he asked you to do, and go in and do the book reading club or whatever. And it was still kind of hurting then to know that I was going for a post-Board hearing that same day, that interview. In my mind I was like thinking what am I going to do over here and talk about. Then when they had the interview, the incident had nothing to do with me on the yard. So I said, just take my name and write my number down, stuff like that. I don't know nothing about what happened on the yard. But I guess he was upset by some other guys

doing the same thing earlier that it came into some words and stuff.

DEPUTY COMMISSIONER BLONIEN: Had you been out in the yard at the time of the incident?

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: And you didn't see anything?

INMATE SNEED: No, I was on the other side of the yard. And that's all it was. I apologized to him after - -

DEPUTY COMMISSIONER BLONIEN: Well, and you know, I sort of realize that it couldn't have been much more than that, because otherwise you would have gotten a 128 or a 115.

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: And I think maybe you told him that you were stressed, and he said, well, when you get out, there's going to be a lot of stress out there. If you can't handle this, how are you going to handle it outside when someone comes up to you and gives you a bad time, because that will happen.

INMATE SNEED: Right. I know.

DEPUTY COMMISSIONER BLONIEN: So how would you handle it?

INMATE SNEED: All I could do is smile. All I could do is smile now, because I'm reading all the necessary materials that I can to help me cope with any problem that may derive at that point (inaudible). But I'm trying my best to stay under control.

DEPUTY COMMISSIONER BLONIEN: In your counselor's report, your counselor states that considering your commitment offense, prior record, and prison adjustment, your counselor believes that you would probably pose a low degree of risk to the public at this time. Do you think that's true?

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: Do you think you'd be a risk at all?

INMATE SNEED: No.

DEPUTY COMMISSIONER BLONIEN: Why?

INMATE SNEED: Because I've never been a risk out there on the street to anybody. All I want to do is go to work. That's all I want to do is work and do my art and do everything I can and to build my name in the art world.

DEPUTY COMMISSIONER BLONIEN: Does your outside family help you market any of your art now?

INMATE SNEED: My wife was helping me before she

went blind. She was trying her best, but diabetes got her and stuff, and she went blind.

**DEPUTY COMMISSIONER BLONIEN:** And where is she?

**INMATE SNEED:** She's in Pomona.

**DEPUTY COMMISSIONER BLONIEN:** In Pomona. Does she have your work in an art school or --

**INMATE SNEED:** She went to a couple of stores and asked them if they'd mind her displaying a few of my pieces and stuff. And one of the stores actually bought a few pieces and stuff. And she was trying to help me with that. But her health was getting worse and worse. So we pulled away from that.

**DEPUTY COMMISSIONER BLONIEN:** How long have you been married to your wife?

**INMATE SNEED:** I was married for just a couple years -- a few years.

**DEPUTY COMMISSIONER BLONIEN:** And you're not married now.

**INMATE SNEED:** No, we had a divorce because it didn't make sense for us to be married and to put her through all the stress of having to try to get up here with somebody's help.

DEPUTY COMMISSIONER BLONIEN: Were you married in '92.

INMATE SNEED: Ninety-two, yes.

DEPUTY COMMISSIONER BLONIEN: While you were in prison.

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: Yeah, I thought I saw a chrono.

INMATE SNEED: Yeah, but I grew up with her on the street. I knew her on the street.

DEPUTY COMMISSIONER BLONIEN: Okay.

INMATE SNEED: Yeah.

DEPUTY COMMISSIONER BLONIEN: So she's not older or anything like that.

INMATE SNEED: She's a couple of years older than me.

DEPUTY COMMISSIONER BLONIEN: And then I looked over your psych report, and the doctor said that under Current Diagnostic Impressions that there's no diagnoses under Axis I, II, or III, and gave you a Global Assessment Functioning score of 90, which is extremely high. It means you function -- take care of yourself extremely well. He notes that your work performance reviews has been satisfactory to exceptional. You're therefore

considered a significantly lower than average risk for violence than the average Level II inmate in a controlled setting. And given the fact that you had an extremely limited criminal history, both juvenile and adult, and no violent crimes, you're not seen as a significant risk if you were released to the general community. "In fact, in my opinion, --" This is Dr. Cohen,

> "-- he represents a lower risk for violence than the average citizen in the community. The inmate is competent and clearly responsible for his behavior. He has more than adequately demonstrated his ability to conform his behavior to the standards of the institution."

How long did you talk about the crime?

**INMATE SNEED:** About 30 minutes.

**DEPUTY COMMISSIONER BLONIEN:** Your psych report by Dr. Terrini way back in 1999, which actually was your last psych report, the doctor said that in consideration of several factors, including your relative lack of criminal history, as well as your lack of violent criminal history, you relative lack of CDC 115s and lack of any violent CDC 115s, his greater maturity and his obvious prosocial

attitude, your violence potential within a controlled setting is considered to be significantly below average. And if released to the community, his violence potential is estimated to be no more than average and perhaps even below average to the average citizen. And he gave you a global assessment functioning score of 85, which again is very high. And both note that you have no actual substance abuse or alcohol history to deal with. So when we talk about your parole plans, we have a letter from your brother. Now this isn't the brother that got in trouble and went to jail is it?

**INMATE SNEED:** You're talking about Michael. He's another one.

**DEPUTY COMMISSIONER BLONIEN:** Michael is?

**INMATE SNEED:** Yeah, Michael.

**DEPUTY COMMISSIONER BLONIEN:** "My name is Aaron L. Myers. I'm the oldest brother of Anthony Sneed. I'm writing this letter of support of my little brother for parole." He read the transcripts of your '03 Board of Prison Terms hearing.

"My family and I agree there should be more support for our sibling. No matter what it takes or how long the journey, we

will be there for him because he is a good man. This has become evident with the passing of each year."

And he's written you many letters before. But he says you're welcome to stay here at my home with my wife and family.

"We have moved to a new location, still in Los Angeles County in hopes of helping my brother start a new life. In my heart, I truly feel he deserves a second chance. And thank you for the decision."

He didn't give -- I don't have his address. But I think if I look in the C-File, I might be able to find the envelope. He lives in Palmdale, California. I'll give you that back. And then you have a letter previously from Lois --

**INMATE SNEED:** Kalari (phonetic).

**DEPUTY COMMISSIONER BLONIEN:** Who's that?

**INMATE SNEED:** It was a friend of mine.

**DEPUTY COMMISSIONER BLONIEN:** She didn't write you a letter this time. Now I have that one letter, right?

**INMATE SNEED:** Yeah. She's going through a lot right now herself. I don't -- She called my mother the

other day. But she's having a lot of surgeries on her back.

**DEPUTY COMMISSIONER BLONIEN:** And is your mom not able to write a letter?

**INMATE SNEED:** Arthritis.

**DEPUTY COMMISSIONER BLONIEN:** And any of -- You get visits from your other siblings, or you're in contact with them.

**INMATE SNEED:** I'm in contact, but I don't ask for visits from anybody.

**DEPUTY COMMISSIONER BLONIEN:** But they didn't write you a letter.

**INMATE SNEED:** No, because everybody's in support of me going to my oldest brother. But if you want, I can get them to write some letters though. I try to be (inaudible) people as I can.

**DEPUTY COMMISSIONER BLONIEN:** Well, your counselor -- I've got to change the tape.

[Thereupon, the tape was turned over.]

**DEPUTY COMMISSIONER BLONIEN:** Your counselor was thinking about your parole plans, and she said that you have no employment plans at this time, but will obtain future gainful employment, possibly as a machine operator.

And then she goes on to note that you've obtained skills that will assist you in obtaining employment, such as furniture refinisher, restoration, painter, freelance artist, appliance repair, janitorial, journeyman trainer, and as a teacher's aide. So she put some thought into the different job opportunities you could get. Your brother says you can live there, but he doesn't say anything about where he's going to help you find work or -- You haven't showed me what you're going to do. I could think of some real good ideas, but you know, it's up to you.

**INMATE SNEED:** See, what his plan is for me is for me to live at his house and to help out around the church and everything until I can find me a job. Because he moved from Los Angeles to Palmdale.

**DEPUTY COMMISSIONER BLONIEN:** Have you ever been to Palmdale?

**INMATE SNEED:** Never in my life. I didn't know Palmdale existed when I was on the street.

**DEPUTY COMMISSIONER BLONIEN:** Well, it's getting bigger, but it's not a real big place. Did your brother -- Will your brother pay you to work around the church?

**INMATE SNEED:** Yes.

DEPUTY COMMISSIONER BLONIEN: And how many people does your brother have living at home?

INMATE SNEED: Him, his wife, and a couple of kids.

DEPUTY COMMISSIONER BLONIEN: And how old are the kids?

INMATE SNEED: Thirteen, and I think there's one two years old now. Yes, two years old now.

DEPUTY COMMISSIONER BLONIEN: Thirteen and two.

INMATE SNEED: Yes.

DEPUTY COMMISSIONER BLONIEN: That's a nice family. We also sent out 3042 notices to local law enforcement and the possible victim next of kin. And although we didn't receive any written responses, we do have a representative from Los Angeles District Attorney's office here. And at the appropriate time, he'll make a statement. With that, I'll turn it to the Chair.

PRESIDING COMMISSIONER DALY: Okay. We've gone over the commitment offense, your criminal history, social history, your parole plans, and your post-conviction factors. Is there anything else you think is important that we haven't covered today that you need to talk about?

INMATE SNEED: Not at this time.

PRESIDING COMMISSIONER DALY: Okay. And you've taken full responsibility for this crime.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: You knew the victim. You knew the impact that it had on the family.

INMATE SNEED: Yes.

PRESIDING COMMISSIONER DALY: I don't have any other questions right now. Do you have any questions? District Attorney, any questions?

DEPUTY DISTRICT ATTORNEY IPSON: No.

PRESIDING COMMISSIONER DALY: Counsel?

ATTORNEY TARDIFF: No.

PRESIDING COMMISSIONER DALY: District Attorney, go to closing.

DEPUTY DISTRICT ATTORNEY IPSON: Okay. With regard to Mr. Sneed, I am close to saying that he should be found suitable, because he did demonstrate a lot of insight into, you know, what happened with the crime, and he shouldn't have gone there and taken them. He should have allowed the police to come and conduct their investigation, make the arrests, and the crime wouldn't have happened. And he wasn't the shooter in this case. So really my only concern with a suitability finding is

that his plans -- Although he does have an opportunity to live with his brother, and I think that is excellent, but I don't see anything -- a letter regarding a job. Although I know that he said that he could work around the church, but that seemed like it was sort of a temporary thing until he found a job. And I just wish that I would see something there as far as a job offer or some sort of job opportunities that he'd be pursuing. I know he wants to work. I think, you know, I would like to see him get a date, but I think, you know, representing the District Attorney's office, I have to be very cautious, and I can't recommend suitability only because I'd like to see a little more solid plan as far as what the job would be. I mean I think living with his brother is as good a place to live as anywhere. So I think that's all right. But I just would like to see a little bit more as far as what the job would be. So that's really my only reason that I would not be recommending a finding of suitable at this time.

**PRESIDING COMMISSIONER DALY:** Counsel.

**ATTORNEY TARDIFF:** Well, in terms of pre-conviction factors, there's no significant criminal history, no history of any kind of violence either before

or since the commitment offense. I think it's pretty well been established that he did not have a substance abuse problem with either drugs or alcohol. And that goes way back in his evaluations. His evaluations I maintain are positive and supportive of release since 1988. In 1988 he received a below average potential for violence. In '91 the evaluator said that he would maintain his gains if released. Ninety-four, maintain a stable adjustment if he were to be released. Ninety-five, maintain gains. Ninety-eight, below the average inmate. It further noted that he is definitely not a criminally oriented person. And that was in agreement with a prior evaluation I guess by Dr. Kitt, K-I-T-T, in which Dr. Kitt stated, "This man does not appear to be criminally oriented." And Dr. Terrini also -- that was his '98 report, including that within his conclusions and recommendations. Ninety-nine, below the average citizen. And this most current, '03, lower than the average citizen. In 2000 on his counselor's report, he received low to moderate, '02, moderate, '03, low, '04, low. He has no mental disorder, no risk factors. Judgment and insight appear to be -- or have been evaluated as being good. I think that that was also reiterated by the District Attorney today and in Mr.

Sneed's remarks. It's clear that he has gained more insight from his readings. The evaluation states he's prosocial. He has greater maturity, no risk factors. I think I've already said that. In terms of the parole plans, which appear to be the kind of, I guess, the issue in terms of suitability, he does have marketable skills. And that's really all that is required, either they have employment or that they have marketable skills. And he does have marketable skills. In addition, I think that since his brother is a pastor, he probably has strong community ties and knows many people that I'm sure would be willing to give him employment. Also if he were granted parole, he could obtain a letter from his brother stating that he would be employed by his brother until some future time when a better job came along. He could probably get that in within a matter of days, I'm sure. So before it went to review, he could have that all cleared up. The '03 evaluation states that he has an above average prognosis of being successful, clearly states his sense of responsibility, guilt, and remorse, and that he has good insight and empathy. Another thing I'd like to point out is after Mr. Sneed was arrested and

incarcerated, the Probation Officer's Report at that time, unless I think it was before -- I think either the indictment was changed or the complaint at some point. But at that time, it actually recommended that he be given probation, and that he not be sentenced to prison. And this was based on -- This is on the Probation -- first report written. And I can't read the page. It looks like 13, had factors in mitigation.

> "The defendant does not have a known prior criminal record involving violence or the possession of deadly weapons. And number two, it could be rationalized that the defendant participated in this current criminal activity primarily out of a sense of loyalty to three teenagers and not necessarily because he was conscientiously trying to harbor fugitives. The defendant would seem to be eligible for a grant of probation. While these same factors, the factors in mitigation versus aggravating, would demand no more punishment than a suitable county jail confinement. In addition, to the defendant's eligibility

for probation consideration, he is also felt to be a suitable candidate for that program."

But apparently at some point thereafter the -- Oh, the information was amended to add -- And here we have somebody now who's been incarcerated 23 years, and originally before the -- There must have been a good prosecutor on that case that went from being given probation to serving a life term, and not being in here for 23 years. I just thought I'd add that in mitigating of the commitment offense. And he's abided by what the Board has asked him to do, to do some more self-help exploration, which he's done. And I definitely think that Mr. Sneed is no longer a risk to society. And I have no doubt he could firm up those parole plans in plenty of time to make it pass any review Board. And with that I submit it. Thank you.

PRESIDING COMMISSIONER DALY: Okay. Mr. Sneed, this is your opportunity to make a statement right now as to why you feel you are suitable for parole, or you can let it rest with what was just presented by your attorney.

INMATE SNEED: I'd like to let it rest.

PRESIDING COMMISSIONER DALY: Okay. We're going to recess for deliberations. It is 1402 hours.

R E C E S S

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CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

DEPUTY COMMISSIONER BLONIEN: We are on record.

PRESIDING COMMISSIONER DALY: Okay. We are back on record in the matter of Anthony Sneed. The Panel has reviewed all of the information received from the public and relied on the following circumstances in concluding that the prisoner is now suitable for parole and would not pose an unreasonable risk of danger to society or a threat to public safety if released from prison. The prisoner has no juvenile record of assaulting others. He has a stable social history, as exhibited by reasonably stable relationships with others. And this goes to your family relationships as you were growing up and your current stable social contact that you have with your family. And while you have been in prison, you have enhanced your ability to function within the law upon release through participation in educational programs, obtaining your GED, self-help and therapy programs, vocational programs. You've earned three vocations since you've been -- You've worked or three vocations and is certified since you have been in. Your institutional job assignments that

you have held, and in particular working in PIA, and other work that you did through your self-study and through your artwork. You lack a significant criminal history of violent crimes. And because of maturation, growth, greater understanding, and your age, you have a reduced probability of recidivism. You have realistic parole plans, which include a residence offer and lots of family support. And we know that there is a job offer, and you are going to get those letters in post haste. I will give you an address. You need to send them to the Board. Okay. You have maintained close family ties while in prison through letters and visits, and you have maintained in the last eight years very positive institutional behavior, which indicates a significant improvement in self-control. And when I say for the past eight years, we're looking at your disciplinary history. And you had three 115s, two of them in '85, and both of them were nonviolent. And the one in July of '96 was for refusing to work. And so there was no violence in those 115s at all. Your 128s, you had three of them in '96, and those were failure to report and ignoring a count procedure. So those were very, very minor. You have shown signs of remorse, even though you were not the shooter. You

did know the victim, and you indicated that you understand the nature and the magnitude of the offense, and you accept responsibility for the criminal behavior, the part that you had in this commitment offense, and a desire to change towards good citizenship. And the other information that we looked at was going back really all of the way through your counselors' reports. You've had very good reports, and all of your counselors have felt that you pose a low degree of threat if released to the public at this time. The psychiatric/psychological factors that we considered, your last report dated 4/17/03 by Dr. Michael Cohen gives you a global assessment functioning of 90. And he says that you have not had any CDC 115s in a long time, and has never had one for violent behavior. Your classification score has remained at zero. And that was before they elevated them to 19. Your work performance reviews have all been satisfactory to exceptional, and you were considered significantly lower than average risk for violence than the average Level II inmate in a controlled setting.

"And given the fact that Inmate Sneed has an extremely limited criminal history, both juvenile and adult, and

no violent crimes, he is not seen as a significant violence risk if he were released to the general community. In fact, in my opinion, he represents a lower risk for violence than the average citizen in the community. As there is no history of alcohol or drug abuse, there are no obvious risk factors that are seen as precursors to violence. This inmate is competent and clearly responsible for his behavior. He has more than adequately demonstrated his ability to conform his behavior to the standards of the institution. The inmate does not have a mental disorder that would require treatment either in the institution or upon release. And as noted above, there is no evidence that Inmate Sneed has ever had a significant substance abuse problem, and therefore, no recommendations are made in this area."

In consideration of all of the above information,

Dr. Cohen, C-O-H-E-N, indicates that Inmate Sneed is seen as an excellent candidate for parole. Then we look in February 6th of '02 there was a very short addendum that was performed by Dr. Bill Zika, Z-I-K-A, and that was just indicating that they didn't need to do a full evaluation. On June 22nd of '00, there was another very, very short one paragraph addendum by Dr. W. J. Wilcox, staff psychiatrist, that also did not do a complete psychological evaluation. So that takes us to the February 22nd of 1999 psychological report that was prepared by Dr. Steven, S-T-E-V-E-N, Terrini, T-E-R-R-I-N-I. And Dr. Terrini said that,

> "In consideration of several factors, including his relative lack of any criminal history, as well as the lack of violent criminal history, his relative lack of CDC 115s, the lack of any violent CDC 115s, his greater maturity and his obvious prosocial attitude, his violence potential within a controlled setting is considered to be significantly below average relative to this Level II inmate population. If released to the community, his violence potential

is estimated to be no more than average and perhaps even below average relative to the average citizen in the community. And there are no risk factors, obvious risk factors, which may be precursors to violence for this man. This man is competent and responsible for his behavior. He has the capacity to abide by institutional standards, and he has generally done so during his incarceration period. It does not appear this man has ever had a significant alcohol or drug problem, and therefore there are no recommendations in this area. This man does not have a mental health disorder, which would necessitate treatment either during his incarceration period or following parole. And I believe this man is a good candidate for parole consideration."

And that is the report from Dr. Terrini. And even going back to the '98 report that was prepared by Dr. Terrini, he said that he had agreed with prior

psychological evaluations that you do not appear to be a criminally oriented person. And the base life offense of which the prisoner has been convicted is murder in the first degree, 187 of the Penal Code, and the offense occurred on 1/17 of 1981. The Panel finds that Category III-A is appropriate in that the motivation for the act was related to the accomplishment of another person in crime, and the prisoner was indirectly involved in this crime. The Panel assesses 324 months for the base offense and notes that this is a mitigated term. And we mitigated this because you were not the shooter and that you -- because you have a minimal or no history -- or a minimal history of criminal behavior, and that you, like I said, were a passive participant or played a minor role in the commission of the crime. The base life term then is set at 324 months for a total of 324 months. Post-conviction credits were from 4/18 of 1982 to 8/04 of '04, which would give you 88 months. Did we deduct the two -- Okay. So it would be 88 months for a total confinement of 236 months. And just for the record, we note that you've already served 269 months. Now one of the issues, and I want to caution you about this, is that we don't have an Abstract of Judgment. We can't read any of

the reports that are in the file. The Board Report said that the Abstract of Judgments were not available. And I do not believe that the other 245 and 246 were also life terms. And it didn't say whether they were concurrent or consecutive. So there may be some adjustment. If there is an adjustment on the time and it falls below the amount of time that you have already served, they'll make the adjustment and go ahead and let it go through the process. If they make the adjustment after they look at the Abstract of Judgment or figure it out and we have made a mistake and your time yet to be served exceeds the 236 months or the 269 months that you've already been in, then they will rescind the date and have to adjust it and take a look at it again. I think that there's enough legal room in there that maybe that won't happen. And I'm sorry to have to tell you I'm not sure because we couldn't find that abstract. So you need to get busy and get some letters sent to the Board. Make sure that you have your name, your CDC number on there and the date of the hearing and that parole was granted, and that these are letters of supplement to your parole plans. Very firm. Your brother, who lives there at the house with him, and if you have a job offer

from him, what it is you're going to be doing. You have the ability -- Actually, I've not ever given a date to somebody that didn't have a concrete job offer, but it is not required. You have three vocations that you've completed. Artistically you are very talented, and you'll be able to do something with that. You have tremendous family support. And even though there weren't a lot of letters that were presented at this Board hearing, we do know that those letters are in the file and had been presented before. And you had really, really solid job offers. So firm up those plans. And with that, I wish you good luck.

**INMATE SNEED:** Thank you.

**DEPUTY COMMISSIONER BLONIEN:** I wish you good luck.

**INMATE SNEED:** Thank you.

**DEPUTY DISTRICT ATTORNEY IPSON:** You know, I should just -- Maybe I should just say it, but if it helps anybody in the future, although we don't have an abstract, I was looking at the transcript of the sentencing, which I have in here, and it appears that he was sentenced on those other counts, but it was concurrent according to the transcript.

**PRESIDING COMMISSIONER DALY:** Okay. So it

would appear that the time that we have given you will be the time, and you've already surpassed that. So it will just be a matter of whether or not we've done all of the right things, and then it goes through the Governor's office and whether or not he agrees with our decision that you are suitable for parole at this time.

**INMATE SNEED:** Okay.

**PRESIDING COMMISSIONER DALY:** All right.

**DEPUTY COMMISSIONER BLONIEN:** So you don't want to get in any discussions with anybody, no 128s, no general chronos. You want to keep it clean and cool until it goes to the Governor's office.

**INMATE SNEED:** Continue to work and continue to draw.

**DEPUTY COMMISSIONER BLONIEN:** And continue to take care of business.

**PRESIDING COMMISSIONER DALY:** Okay. That concludes our hearing. It is 1445.

[Off the record]

**DEPUTY COMMISSIONER BLONIEN:** We are back on tape.

**PRESIDING COMMISSIONER DALY:** Okay. We forgot to put in the special conditions of parole. And the special conditions of parole are that you

ate not to use alcoholic beverages. And even though alcohol was not a problem and it wasn't a part of the commitment offense, you do have it in your record in that one summer when you were drinking alcohol every day at a party. So you are to submit to alcohol testing. And we're asking that you attend a parole outpatient clinic. And actually my recommendation at this time is that we are not requiring you to participate in AA, because alcohol was not really a problem for you. But you did drink, and we do want to make sure that that is checked on. And then because this was a shooting that occurred at a party where there was gangs, even though you were not a member of a gang, you will not actively participate in, promote further, or assist in any prison gang, disruptive group, or criminal street gang activity as enumerated in Penal Code Section 186.22, subdivision 123, nor violate any gang abatement, injunction, ordinance, or court order, and you will not associate with any prison gang, disruptive group, or street gang member known to be such by you, nor wear or carry on your person gang colors or any sign, symbol, or paraphernalia known by you to be associated with gang activity. I don't know, they may strike that, I mean since you really weren't a gang member. But

this was a gang involvement. And you lived in a neighborhood full of gangs. And I'm sure that you still have friends that may have been gang members or something at one time. So I just put that in there to make sure we covered all of our bases. Okay. Thank you.

ATTORNEY TARDIFF: Thank you.

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PAROLE GRANTED

THIS DECISION WILL BE FINAL ON Dec. 2, 2004

YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT DATE, THE DECISION IS MODIFIED.

CERTIFICATE AND

DECLARATION OF TRANSCRIBER

I, APRIL ALLEN, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 69, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, at SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of ANTHONY SNEED, CDC No. C-43826, on AUGUST 4, 2004, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated August 19, 2004, at Sacramento County, California.

April Allen

April Allen
Transcriber
CAPITOL ELECTRONIC REPORTING